

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
UNITED STATES OF AMERICA	)	CRIMINAL NO. 05-10019-RGS
	)	
v.	)	
	)	
DANIEL W. MCELROY, and	)	
AIMEE J. KING MCELROY,	)	
	)	
Defendants.	)	
_____	)	

**GOVERNMENT'S REQUEST FOR VOIR DIRE**

In addition to the Court's customary introduction to the jury, the United States requests that the Court ask prospective jurors the following voir dire questions:

1. The attorneys for the United States in this case are Jonathan Mitchell and Sarah E. Walters. They are Assistant U.S. Attorneys with the U.S. Attorney's Office here in Boston. Do you, a member of your family, or a close friend know either Mr. Mitchell or Ms. Walters? Have you ever had any dealings with the U.S. Attorney's Office?

2. The defendants are represented in connection with this matter by Stephen Delinsky and Jack Zalkind. Do any of you, a member of your family, or a close friend know either Mr. Delinsky or Mr. Zalkind? Have you ever had dealings with them?

3. What follows is a list of names of persons who may be witnesses in this case or whose names may come up in testimony. Do you, a member of your family, or a close friend know any of these persons? Have you had dealings with any of them? [Read the parties' witness lists.]

4. The usual hours for the trial of this case will be 9:00 a.m. to 1:00 p.m. Monday to Friday. It is always difficult to estimate how long a case will take. Do you have any important commitments, personal or work related, which cannot be rescheduled, which would interfere with your ability to be here for the next two to three weeks?

5. Have you, a member of your family, or someone close to you ever been involved in the criminal justice system, either as a prosecutor, defense attorney, employee of a prosecutor's office or defense attorney, probation officer, court officer or court clerk?

6. Have you, a family member, or someone close to you ever been involved in a criminal case as either a victim, a witness, or a person charged with a crime?

7. Have you, a family member, or someone close to you had an experience, favorable or unfavorable, with a law enforcement official or with the criminal justice system which might influence your consideration of this case?

8. This is a federal case brought in the name of the United States of America. The federal government is comprised of many agencies and departments, including the Department of Justice and the Internal Revenue Service. Have you, a member of your family, or anyone close to you ever had any dealings with the federal government, including the agencies I mentioned, whether favorable or unfavorable, which might influence your consideration of the evidence in this case?

10. Have you, your close friends, or relatives ever been audited or assessed a penalty by the Internal Revenue Service? If so:

- (a) How long ago?
- (b) Was the matter resolved to your satisfaction?
- (c) Were you treated fairly and courteously by Government officials?
- (d) Do you hold any grudges against the Government or against Government officials?

11. Is there anyone who holds strong personal or philosophical feelings about the tax system of the United States of America? If so, what are your feelings?

12. Are you, or any of your close friends or relatives, affiliated with, or a member of any group or organization, whether formal or informal, which is engaged in the study of or protest against the federal tax laws or the federal tax policy generally?

13. This case involves charges that the defendants were involved in a conspiracy and committed fraud by paying employees of their businesses in cash to avoid worker's compensation premiums and taxes. Have you or any of your friends had a unfavorable experience with an insurance company? If so:

- (a) How long ago?
- (b) Which insurance company?
- (c) Was the matter resolved to your satisfaction?
- (d) Were you treated fairly and courteously by the insurer?
- (e) Do you hold any grudges against insurance companies?

14. At the end of the case the jurors will be asked to deliberate and decide, unanimously, whether the defendants are guilty or not guilty. Some people, for religious or other reasons, think that one individual should not sit in judgment of another individual. Do you have any beliefs or strong feelings which will make it difficult for you to sit in judgment and reach a verdict in this case?

15. At the end of the case I will instruct you on the law applicable to this case. Jurors are obligated to follow the law, as imparted to them by the trial judge. Do you have any concerns that you might not be able to follow the law, as instructed by me, if you do not agree with the law or the legal principles I deem to be applicable to this case?

16. The purpose of these questions is to provide information to the parties about the prospective jurors to assist the parties in selecting a fair and impartial jury in this case. Is there anything else about you, your family, background, work, life experiences, or beliefs, that you think the parties should know which might help them pick a fair and impartial jury?

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/Jonathan F. Mitchell  
JONATHAN F. MITCHELL  
SARAH E. WALTERS  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 11, 2008, I served a copy of the Government's Request for Voir Dire by electronic filing on counsel for the defendants.

/s/ Jonathan F. Mitchell  
Jonathan F. Mitchell